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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,232	03/18/2005	Yasuhiro Tomita	046124-5370	6259

55694 7590 02/12/2007  
DRINKER BIDDLE & REATH (DC)  
1500 K STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20005-1209

EXAMINER
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LARYEA, LAWRENCE N

ART UNIT	PAPER NUMBER
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3768

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/528,232	Applicant(s) TOMITA ET AL.	
	Examiner Lawrence N. Laryea	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gobel et al (Pub 2004/0061059)**.

3. Re claim 1-16: **Gobel et al** teaches a radiation detector with a main body(See **fig. 3**) comprising a radiation detecting portion (**2**) for detecting a radiation intensity (See **Paragraph [0001] line 9**), a sound output portion (**51**) for outputting a sound according to a radiation intensity detected by the radiation detecting portion, and a power supply portion (**4**) for supplying power at least to the radiation detecting portion and the display portion. (See **Paragraph [0042] and [0060]**).

4. **Gobel et al** teaches a radiation detector wherein the electrical (**integrated**) components are configured with a power supply switch portion for turning on/off the power supply portion (See **Paragraph [0062],[0066] and [0067]**). The power supply includes a battery (See **Paragraph [0072]**). It is inherent to have on/off controller to regulate the energy flow in radiation detector during radiation detecting. (See **Paragraph [0074] and [0074]**).

5. Further Re claims: 4,8,12 and 16: **Gobel et al** teaches a radiation detector wherein a control means is capable of controlling the detection sensitivity variable

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portion for varying a detection sensitivity of the radiation detecting portion, and the display variable portion for varying at least one of a sound display(**See Paragraph [0027]**) .

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the radiation detector apparatus of **Gobel et al** similar to that of applicant device wherein the radiation detector apparatus components will be separated from the main body so that the detached part can be sterilized (**See Paragraph [0022] and [0055]**) or when the part of main body is at fault or damages it can be replaced easily with a new spare part

7. Applicant has not disclosed that “the sound output portion, the power supply switch, integrated component , the detection sensitivity variable portion, the display variable portion switch portion are configured to be detachable or detachable screwed from or to the main body” provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the radiation detector apparatus of **Gobel et al**, and applicant’s invention, to perform equally well with or without detachable means from the main body, would perform or yield the same function of detecting radiation.

Therefore, it would have been prima facie obvious to modify **Gobel et al** to obtain the same method as specified in claims 1-16 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art as modified by **Gobel et al**.

*See In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)*

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Raylman et al (Patent 6236880)** disclose radiation-sensitive apparatus wherein the probe can be connected and disconnected from the main body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL

DER  
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